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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/674,710 | 01/29/2000 | Gabriel Ilan | P-1653-US | 3580 |

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DANIEL J SWIRSKY
PO BOX 2345
BEIT SHEMESH, 99544
ISRAEL

EXAMINER

BEAULIEU, YONEL

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3661

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/674,710

Applicant(s)

ILAN ET AL.

Examiner

Yonel Beaulieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-19 and 21-33 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 8-19-21-33 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Arguments

Applicant's arguments filed 15 December 2003 have been fully considered but they are not persuasive.

Regarding the argument on page 10, lines 7 – 14 of paper filed on 15 December 2003, the Examiner respectfully disagrees with Applicants' position. For the record, Sawada ('430) has been withdrawn. With regard to the Garthwaite reference, the Examiner maintains items 3 and 5 in Garthwaite's fig. 1 are two different input to control unit integrated in item 2 (col. 3: 51 – 64 at least) and as illustrated, the control unit is able to receive commands from both items 3 and 5. Clearly, claim 25 is covered by Garthwaite ('826). With regard to claim 33, controlling the appliance requires a [signal choice] between the voice recognition unit and the handwritten input (note that the claim calls for [using] "at least one" signal generated from the two). Garthwaite does provide for the two signals from items 3 and 5 and "at least one" suggests one skilled artisan is able to utilize one of the two or both.

For at least the above reasons, it is the Examiner's position Garthwaite et al. ('826) is applicable to the claimed invention.

With regard to Applicants' arguments in the second paragraph on page 10 of paper filed on 15 December 2003, the Examiner once again disagrees with Applicants' position. Obradovich ('464) has been applied against all of the limitations of claim 25. This was covered under Garthwaite et al. ('826). Obradovich was brought forth for the deficiency found in claims 18, 31

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and 32 (in combination with Garthwaite). Of course, Obradovich is silent on the idea of “a control unit able to receive said at least first command and at least one second command.” This was covered by Garthwaite et al.. It appears Applicants are arguing the references separately and really not for what the combination suggests to the skilled artisan.

For at least the above reason, the rejection of claims 18, 31, and 32 is deemed fit and hereby maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 8 – 15, 17, 19, 21 – 27, 29, and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Garthwaite et al. (US 6,124,826).

Regarding claims 8 – 15, 17, 19, 21 – 27, 29, and 33, Garthwaite et al. teaches an apparatus (figs. 1-2) and method, comprising a voice recognition unit to recognize voice input and to output at least one first command from at least one command data set, a handwriting recognition unit to recognize handwritten input and to output at least one second command from at least one command data set and a control unit receiving the commands and communicating a command signal associated to at least one appliance within a vehicle (figs. 1-2; col. 3: 45 – col. 4: 2); Garthwaite et al. further teaches this idea of symbolic characters (col. 3: 40 – 43), the apparatus connecting to the appliance by an interface (20; col. 3: 64 – 67), an appliance being a radio (col. 2: 42 – 44; col. 3: 44 – 45), a cellular telephone (mobile phone) in satellite navigation system 1)(note col. 4: 14 – 17 and 33 – 45 at least), a personal computer (6), a microphone (not explicitly shown; however, note col. 3: 56 – 59 at least).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garthwaite et al. ('826) as applied to claim 25 (directly or indirectly).

Garthwaite et al. teaches all of the limitations except for associating a user command with a 3-dimensional hand signal/gesture. However, it would have been obvious to one of ordinary skill in the art at the time of the invention such an association would only involve routine skill in the art.

Claims 18, 31, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garthwaite et al. ('826) as applied to claim 25 (directly or indirectly) above, and further in view of Obradovich (US 6,282,464).

Garthwaite et al. teaches all of the limitations except for a car alarm, a sunroof and a window.

However, Obradovich teaches, in an art related field, a vehicle appliance being a car alarm (col. 9: 50 – col. 10: 44), a sunroof or a window (note item 108c); col. 7: 54 – 57).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Garthwaite et al.'s apparatus by including a car alarm, a sunroof and a window as evidenced by Obradovich in order to add to the versatility of the apparatus.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (703) 305-4072. The examiner can normally be reached on M-R, from 0900-1600.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. CUCHLINSKI can be reached on (703) 308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Y. BEAULIEU

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703-305-4070

Y. BEAULIEU
PRIMARY EXAMINER